IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1489 OF 2004

IN

SUIT NO.1443 of 2004

Narain Hingorani. ... Plaintiff.

vs.

Mr.Harish Kishinchand Chandnani. ... Defendant.

Mr.D.D.Madan i/b. M/s.Thakore Jariwala & Associates, for Plaintiff.

Mr.Subodh Joshi i/b. K.C.Devnani, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 1st April,2005

P.C.:-

1. The learned counsel for both the sides agreed that the facts and law involved in this Notice of Motion are similar to the facts and law involved in Notice of Motion no.1488 of 2004, excepting the amount involved. In this view of the matter therefore, for the reasons recorded in my order dated 1st April,2005 in Notice of Motion no.1488 of 2004, this Notice of Motion is disposed of in the following terms:-

2. The defendant is restrained from transferring the suit flat unless he deposits amount of Rs.39,27,000/- (Rupees Thirty Nine lakhs and Twenty Seven thousand only) in this Court with due notice to the plaintiff and gives two weeks notice to the plaintiff that he is transferring the flat. In other words, the defendant would be entitled to transfer the flat after depositing the amount of Rs.39,27,000/- in this Court with due notice to the plaintiff and after expiry of period of two weeks from the date on which the amount is deposited and notice of the intention of the defendant to transfer the flat, is given to the plaintiff.

3. The Prothonotary and Senior Master of this Court is directed to invest the said amount in a Fixed deposit in any nationalised bank during the pendency of the suit.

Notice of Motion disposed of.